

REMARKS

1. The Claims in the original application stand rejected by the Examiner's Final Office Action dated March 8, 2005. An Amendment After Final was filed on March 23, 2005 in an attempt to bring the application into condition for allowance; however, the Examiner issued an Advisory Action on April 22, 2005 refusing to enter the proposed Amendments in the Amendment After Final for the stated reason that they altered the scope of the claimed invention.
2. Instead of appealing the Examiner's decision, Applicant has filed an RCE simultaneously herewith and specifically requests that the Examiner not enter the Amendment After Final, dated March 23, 2005 and, instead, enter this Preliminary Amendment.
3. The amendments set forth in this Preliminary Amendment have been made to clarify the use to which the previously recited structure applies.
4. In the Examiner's Office Action dated March 8, 2005, Claims 1-3, 6-9 and 12-14 were rejected under 35 U.S.C. 102(b) as being anticipated by Coburn 4,643,271. Claims 1-3 and 6 have been canceled and, thus, need not be addressed. Claims 7-9 and 12-14 have been amended to clarify the use to which the previously recited structure applies. Coburn discloses a sound barrier that is used adjacent to, not in support of, existing roadways and airport runways. According to Coburn, despite the disclosed use of shredded polystyrene foam to absorb sound (not to be buoyant), the gabions are "preferably very heavy" and are preferably filled with ballast in order to withstand vehicular impacts, to assure stability and reduce the possibility of theft. See col. 2, Ins. 63-68. Accordingly, Coburn actually teaches away from this instant

application due to the fact that lightweight materials need to be used instantly in order to minimize damage to the environment or infirm wetlands ecosystem in which they are placed.


5. Likewise, the Examiner rejected claims 1-3, 6-9, and 12-14 under 35 U.S.C. 103(a) as being unpatentable over Zaccheroni 4,394,924 in view of Coburn 4,643,271. In addition to the rationale set forth above, that Coburn teaches away from the instant application, neither Coburn nor Zaccheroni teaches the use of gabions as platforms intended to be used on soft, watery or unstable terrain. (Despite the Examiner's assertion to the contrary, Applicant respectfully suggests that no such references exist in either of these patent disclosures.) Zaccheroni only teaches the manufacture of subdivided gabions. The only use referenced in Zaccheroni is in the technical field section where erosion control is cited. Col. 1, Ins. 12-15. The instant application has nothing to do with erosion control and applies to temporary platforms and roadways rather than permanent ones.

6. A review of the remainder of the obviousness rejections set forth in the Examiner's Office Action reveals that, in addition to the arguments set forth above, the grounds for rejection are moot in light of the instant amendments in the claims that clarify the use to which the Application applies.

For all of the reasons advanced above, Applicant respectfully submits that this Application is in condition for allowance, which is earnestly solicited. If the Examiner has any questions concerning this case, please direct them to Carl Ronald at (412) 594-3912.

Respectfully Submitted,
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